

UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

Rick Shawn,  
Petitioner  
v.  
D.W. Neven, et al.,  
Respondents

**2:14-cv-00738-JAD-PAL**

**Order Granting Motions for Extension  
of Time, Denying Motion to Withdraw  
as Counsel Without Prejudice, and  
Setting Briefing Schedule**

[ECF Nos. 29, 30, 31]

After unsuccessfully moving for appointment of counsel, 2254 petitioner Rick Shawn retained counsel, who filed a motion to amend Shawn's pro se petition.<sup>1</sup> Shawn's counsel has now filed two unopposed motions to extend the time to file an amended petition<sup>2</sup> and moves to withdraw as attorney.<sup>3</sup> I extend the deadline to file an amended petition to August 2, 2016, and deny counsel's motion to withdraw as attorney without prejudice to his ability to renew his motion after the petition is filed.

In support of his request to withdraw, Shawn's counsel represents that Shawn has failed to pay him and that continued representation in this matter imposes an unreasonable financial burden. Though I am not unsympathetic to counsel's plight, judicial efficiency and Shawn's interests will be best served if counsel prepares and files Shawn's amended petition before being permitted to withdraw in this action.<sup>4</sup> I therefore deny counsel's motion to withdraw without prejudice to his ability to renew his motion after the amended petition has been filed.

In support of his extension requests, Shawn's counsel cites to the complexity of the case and the lack of time and necessary resources he has to devote to this case. I grant Shawn's unopposed

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<sup>1</sup> ECF No. 26.

<sup>2</sup> ECF Nos. 29, 31.

<sup>3</sup> ECF No. 30.

<sup>4</sup> See NV ST RPC Rule 1.16(b)(1), (c) and (d).

requests to extend the time to file an amended petition to **August 2, 2016**. But in light of the length of the extension, this will be the last extension given absent a showing of extraordinary circumstances.

Accordingly, IT IS HEREBY ORDERED that **counsel's motion to withdraw [ECF No. 30] is DENIED without prejudice.**

IT IS FURTHER ORDERED that **Shawn's motions for extensions of time [ECF Nos. 29, 31] are GRANTED *nunc pro tunc* as of their respective filing dates. The amended petition must be filed by August 2, 2016, and:**

1. **Respondents have 45 days from the date of service of the petition to file a response.** Respondents are cautioned that any response must comply with the instructions below, which are issued in accordance with Habeas Rule 4.
2. Respondents must raise any procedural defenses together in a single, consolidated motion to dismiss. No procedural defenses should be included with the merits in an answer. Procedural defenses not included in a motion to dismiss may be deemed waived.
3. Respondents are instructed that, in any answer filed on the merits, they must cite to and address the applicable state-court record, if any, that pertains to that claim. All state-court records should be filed as exhibits with a separate index that identifies each by number.
- 4.. **Shawn will then have 30 days from the date of service of the answer, motion to dismiss, or other response, to file a reply.**
6. **The parties must send courtesy copies of all exhibits to the Reno Division of this court:** Clerk of Court Attn: Staff Attorney, 400 S. Virginia St., Reno, NV, 89501. Courtesy copies may be submitted in paper form or as PDF documents saved to a CD, as long as each PDF is clearly identified by exhibit number

Dated this 11th day of May, 2016.

  
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Jennifer A. Dorsey  
United States District Judge